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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,322

08/23/2006

Laurent Gervat

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12/08/2008

ARKEMA INC.

PATENT DEPARTMENT - 26TH FLOOR

2000 MARKET STREET

PHILADELPHIA, PA 19103-3222

EXAMINER

MULLIS, JEFFREY C

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

12/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,322	Applicant(s) GERVAT ET AL.	
	Examiner Jeffrey C. Mullis	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8-23-06</u> . | 6) <input type="checkbox"/> Other: _____ |

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Applicants Abstract is not in the form of a single paragraph. Correction is required.

Claims 1-20, 29 and 30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase “predominately of methacrylic monomers” is unclear since methacrylic monomers may predominate in a block copolymer by mole fraction but not by weight fraction of visa versa.

The phrase “in that Y (prime)” in claim 6 makes no sense.

The phrase “elastomers with metallocene polymerization” make no sense in that elastomers are materials while metallocene polymerization is a process and the two cannot be mixed.

The term “converted” as appears in claim 10 makes no sense absent any recitation as to what is being converted into.

The phrase “antireversion agent” as appears in at least claim 14 is not art recognized and is therefore unclear.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-20, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiroy et al. (JP 2002-060584).

Patentees disclose a composition containing PMMA terminal blocks and acrylate internal blocks (see example at paragraph 127 on page 21). Note paragraphs 4 and 7 as well as Table 1 for vulcanization with rubbers.

Claims 1-6, 8-20, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US 5,939,464).

Patentees disclose a foam containing a blend of a thermoplastic vulcanizate containing an "elastic thermoplastic polymer" (abstract) which is a block copolymer containing at least 2 blocks of thermoplastic such as methylmethacrylate or styrene derived blocks and elastomeric blocks such as polybutadiene between these blocks (paragraph bridging columns 2 and 3). The elastic thermoplastic polymer may be present at a level of as little as 35 parts per 100 parts of the composition in patent claim while the rubber of the thermoplastic vulcanizate may be as much as 85 parts by weight per 100 parts of the thermoplastic vulcanizate. Applicants articles are discloses at column 6, lines 33-40. Ethylene alpha olefin rubbers including alpha olefins with 8 carbon atoms may be added at column 4, lines 45-60. Additives such as plasticizers, zinc oxide and stearic acid at column 6, lines 7-31. Crosslinking times of a few minutes and

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temperatures of 120-225 degrees centigrade are disclosed at the paragraph bridging columns 5 and 6.

There are no specific examples of compositions having all of applicants limitations in combination. However to arrive at such compositions by selecting from the various disclosures of the patent would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention in the expectation of adequate results absent any showing of surprising or unexpected results.

Claims 1-6, 8, 11, 12, 17-20, 29 and 30 are rejected under 35 U.S.C. 102(a and e) as being anticipated by Valette (US 2004/0101689).

Example 1 on page 7 discloses the curing of 40.3 g SBM and 201.3 g Ricon polybutadiene with a hardener. Note the use of applicants curing times and temperatures in paragraph 148. Note the use of cocroslinkers in claim 12 of the document.

Any inquiry concerning this communication should be directed to Jeffrey C. Mullis at telephone number 571 272 1075.

Jeffrey C. Mullis
Primary Examiner
Art Unit 1796

JCM

11-24-08

/Jeffrey C. Mullis/

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Primary Examiner, Art Unit 1796